



I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450
on July 20, 2004

Date of Deposit

Gusatavo Siller, Jr., Reg. No. 32,305

Name of applicant, assignee or
Registered Representative

Signature

Date of Signature

Our Case No. 115/434-2

Client Ref. No. 115/434-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenneth R. Fahs et al.

Serial No. 09/481,451

Filing Date: January 11, 2000

For: ROLLER MANIFOLD FOR FORMING A
CONTINUOUS SHEET OF VISCOUS
MATERIAL

Examiner Thukhanh T. Nguyen

Group Art Unit 1722

**STATEMENT OF SUBSTANCE OF INTERVIEW REGARDING SUBSTITUTE
DECLARATION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the telephonic interview with Examiner Thukhanh T. Nguyen on July 16, 2004, Applicants are submitting a statement of the substance of the interview pursuant to MPEP § 713.04.

REMARKS

Applicants would like to thank Examiner Nguyen for the helpful discussion with Applicants' representative on July 16, 2004 concerning the requirement for a substitute declaration as set forth in the Notice of Allowability, mailed 4/21/04 (see attached). In the interview, Applicants sought clarification regarding the requirement for a substitute declaration. Applicant's representative noted that no reason was provided as to why the declaration was deficient. Specifically, the Notice of Allowability did not provide a reason in the form of an EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152). Applicants' representative further noted that the previous Notice of Allowance, mailed 12/11/03 (which was later withdrawn to allow entry of an amendment; see attached), did not list a requirement for a new substitute declaration.

In response to Applicants' request for clarification, Examiner Nguyen informed Applicant's representative that the requirement was a mistake and that Applicants were not required to file a substitute declaration. Applicant's submit herewith a copy of the original declaration filed with this case.

With the submission of the issue fee herewith, Applicants believe they have fully complied with all of the requirements for issuance.

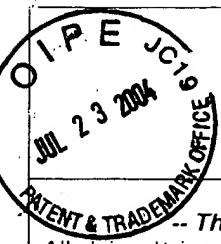
Attachments: Notice of Allowability, mailed 4/21/04
 Notice of Allowability, mailed 12/11/03
 Original Declaration, filed 4/18/00

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gustavo Siller, Jr.', is written over a horizontal line.

Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



Notice of Allowability

Application No.

09/481,451

Examiner

Thu Khanh T. Nguyen

Applicant(s)

FAHS ET AL.

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments filed 10/22/03 and 11/20/03.
 2. ☒ The allowed claim(s) is/are 2, 3, 5, 6, 8, 9, 11-15, 19-25 and 27-42.
 3. ☒ The drawings filed on 11 January 2000 are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
 5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | <input type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other |



Pat. Unit: 1722

DETAILED ACTION

Allowable Subject Matter

1. Claims 2-3, 5-6, 8-9, 10-15, 19-25, 27 and 28-42 are allowed. The claims are renumbered as flowing: claims 19-20 are now claims 1-2; claims 2-3 are now claims 3-4; claims 11-15 are now claims 10-14; claims 19-20 are now claims 1-2; claim 21 is now claim 7; claims 22-25 and 27-42 are now claims 15-34 respectively.

2. The following is an examiner's statement of reasons for allowance:

The Japanese reference (9059 – 133) teaches an apparatus and method for forming a sheet of dough comprising a screw pump (4) connected to an inlet (3) to pump material under pressure, a discharge manifold (1) having a hollow interior chamber formed at one side by the pump, a top (1), a bottom (12), two end faces (Fig. 2), and a roller (7) on the other side, a casting line (12 and 14) position downstream of the discharge manifold including an endless casting belt (14) for transporting and forming a continuous sheet of material. The apparatus further comprises drive mechanisms (the roller on top of the compartment 15, 10, and 5) to drive the conveyor belt (14), the roller (7) and the screw pump (4).

However, the Japanese reference fails to disclose a pump displaced upstream to the manifold, and a plurality of inlets opening into the discharge manifold for receiving the material from the pump. Further, the screw pump inside the hopper as disclosed by the Japanese reference would not be able to transport viscous material such as cheese, because the material would stuck together, and the screw would tear the material into many small pieces instead of conveying the material to the outlet.

Art Unit: 1722

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1700

12/8/03

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: July 20, 2004

Name: Gustavo Siller, Jr.

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Kenneth R. Fahs et al.

Appln. No.: 09/481,451

Filed: December 6, 2001

For: Roller Manifold For Forming A Sheet Of Viscous Material

Attorney Docket No: 114/434-1

**BRINKS
HOFFER
GILSON
& LIONE**

Examiner:
Thukhanh T. Nguyen

Art Unit: 1722

Mail Stop Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Issue Fee Transmittal (Form PTOL-85) in duplicate; check for \$1630; Statement of Substance of Interview Regarding Substitute Declaration.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x \$9=			x \$18=	
Indep.		Minus				x 43=			x \$86=	
First Presentation of Multiple Dep. Claim						+\$145=			+ \$290=	
						Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$1630 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____ . A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

7/20/04

Gustavo Siller, Jr. (Reg. No. 32,305)



UNITED STATES PATENT AND TRADEMARK OFFICE

United States Department of Commerce
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

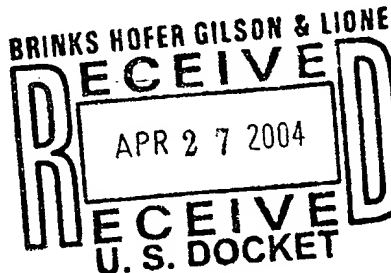


NOTICE OF ALLOWANCE AND FEE(S) DUE

757

04/21/2004

GENERAL NUMBER 00757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60611



EXAMINER

NGUYEN, THUKHANH T

ART UNIT PAPER NUMBER

1722

DATE MAILED: 04/21/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,451	01/11/2000	Kenneth R. Fahs	115/434	5657

TITLE OF INVENTION: ROLLER MANIFOLD FOR FORMING A CONTINUOUS SHEET OF VISCOUS MATERIAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	07/21/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



Notice of Allowability

Application No.

09/481,451

Examiner

Thu Khanh T. Nguyen

Applicant(s)

FAHS ET AL.

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

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3. ☒ The drawings filed on 11 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
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Attachment(s)

- | | |
|--|---|
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| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | <input type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other _____ |

Art Unit: 1722



DETAILED ACTION

Allowable Subject Matter

1. Claims 2-3, 5-6, 8-9, 11-15, 19-25, 27 and 28-42 are allowed. The claims are renumbered as flowing: claims 19-20 are now claims 1-2; claims 2-3 are now claims 3-4; claims 11-15 are now claims 10-14; claims 19-20 are now claims 1-2; claim 21 is now claim 7; claims 22-25 and 27-42 are now claims 15-34 respectively.

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Art Unit: 1722


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300

4/14/04